IN THE HIGH COURT OF BOMBAY AT GOA

CIVIL REVISION APPLICATION NO. 5 OF 2006

MRS. ASHABI KHAN AND 2 ORS., ...Petitioners

Versus

MRS. PRAVIN KHAN ALIAS PARVEEN KHAN AND ANR., ...Respondents

Ms. Susan Linhares (U/LAS),for the Applicants.

Coram:- SMT. RANJANA DESAI, J.

Date:- 28th June, 2006

P.C.:

The applicants are interested parties. Inventory Proceedings No.18/2004/A were initiated by the respondent. The applicants as interested parties objected to the proceedings on the ground that the parties are Muslims and therefore they are governed by the Muslim Personal Law (Shariat) Appplication Act, 1937 and therefore respondent 1 who is the widow of the deceased cannot be allotted 50% of the share of the property of the deceased.

2. I have heard the learned counsel for the applicants. She has submitted that since the parties are Muslims, their personal law will override the Uniform Civil Code.

3. The trial Court has observed that both sets of parents of the deceased and applicant have been living and working in Goa since Portuguese time. They are therefore governed by the Uniform Civil Code. The trial Court has further observed that the Muslim Personal Law (Sharait) Application Act, 1937 has never been extended to the State of Goa. The trial Court has also recorded that there is no dispute about these facts. The trial Court

has concluded that once it is established that the Family Law of Goa is applicable to the parties and not the Shariat Act, 1937, it is only the respondent and her daughter who would be entitled to the share in the assets left behind by the deceased husband/father. In my opinion the trial Court has correctly interpreted the law. No interference is necessary with the impugned order.

Petition rejected.

SMT. RANJANA DESAI, J.

sl.